

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JASPER WIRTSHAFTER, BENJAMIN ROBINSON,
MADELEINE MELDRUM, HEATHER AKOU, ANJALI
BISWAS, BRYCE GREENE,
DAVID McDONALD, MAUREEN MURPHY, SARAH
PHILLIPS, AND JESS TANG,

Plaintiffs,

v.

PAMELA WHITTEN, *in her individual and official capacity as
President of Indiana University*; BENJAMIN HUNTER, *in his
individual capacity as Associate Vice President and
Superintendent for Public Safety of Indiana University*; and
THE TRUSTEES OF INDIANA UNIVERSITY, *in their official
capacities,*

Defendants.

Case No. 1:24-cv-754-RLY-MJD

DECLARATION OF DOUG BOOHER

I, Doug Booher, being a competent adult, affirm under penalties of perjury to the following facts of which I have personal knowledge.


1. My name is Doug Booher. I serve as Indiana University's Associate Vice President for Events and Conferences.
2. University Events and Conferences provides all event staff and management for major university events, including IU Athletics, arts and entertainment, ceremonial and advancement events. In my role for University Events and Conferences, I offer leadership, creative, and compliance services for events on IU's campuses. Together, IU Auditorium, Event Services, and University Events serve over one million guests each year.
3. I have earned and maintained the Certified Venue Executive professional certification since 2010. I have served as Chair of Board of Directors of the International Association of Venue Managers which is the 8,000-member professional association of public venue professionals, as well having held membership in the Association of Performing Arts Professionals, the Collegiate Events and

Facility Managers Association, and the Event Safety Alliance. I am an adjunct lecturer in IU's School of Public and Environmental Affairs.

4. In my 30-year career I have gained extensive expertise in event planning and management, public safety and security, and higher education service and leadership. I was awarded the IU Distinguished Service Medal by President McRobbie for sustained distinction in their administrative work at IU and notable contributions that improve the university.
5. I have been involved with and am familiar with Indiana University policies on Expressive Activity and the University Space Use Pre-Approval Standard.
6. There are unique challenges in promoting and ensuring public health, safety, and welfare during overnight hours on university campuses.
7. There are unique challenges in promoting and ensuring public health, safety, and welfare on open university campuses such as the multiple campuses within the Indiana University system across the State of Indiana. In particular, the rapidly evolving nature of university events can create a unique hurdle for ensuring public safety. For example, events on an open university campus can quickly escalate in terms of the number of participants and spectators. It is not uncommon on university campuses for a very small event to rapidly grow to an event of several hundred people. Similarly, members of the public or the larger campus community will often attempt to join an ongoing event, sometimes resulting in verbal or physical conflicts between participants and non-participants.
8. These challenges are compounded at night. Indiana University campuses, in particular the Bloomington campus, are very large and porous in terms of ability of persons to enter on to campus. Other Indiana University campuses, although not as geographically large as in Bloomington, are likewise porous in terms of ability of persons to enter on to campus. All campuses within Indiana University have streets that are open to the public, and are not fenced or closed off from pedestrians.

9. There are unique challenges in promoting and ensuring public health, safety, and welfare during overnight hours on Indiana University campuses among a population that includes thousands of students, including tens of thousands of young adults and many minors. At the Bloomington campus there are almost 50,000 enrolled students.
10. Reduced activities during overnight hours on Indiana University campuses allows for staff, including law enforcement and event personnel, to be prepared for the next full day of activity, policing, and promotion of public health, safety, and welfare.
11. There are significant challenges in recruiting, retaining, and deploying qualified and experienced personnel for service during overnight hours on Indiana University campuses for event management.
12. Most event personnel, including within IU, prefer to work day or evening shifts rather than overnight shifts.
13. There are public safety, health, and welfare benefits of an overnight restriction on Indiana University campuses, including for instance allowing time for event personnel to re-set and plan for the next day, and reducing the risk of individuals seeking to habitate on the campus.
14. It is more challenging to promote and ensure public health, safety, and welfare on campuses during overnight hours because of a multitude of factors, including darkness, closed facilities, and increased alcohol and substance abuse.
15. An overnight restriction on activities with preapproval standards enhances the promotion of public health, safety, and welfare by allowing law enforcement and event personnel time to plan for events with adequate staffing and resources.

Dated: February __, 2025

Signed:  Digitally signed by Doug Boomer
Date: 2025.02.27 15:40:16 -05'00'
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